



Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, Pennsylvania 17110-2993
Ph. (717) 237-2100 Fax: (717) 237-2238

April 10, 2008

PENNSYLVANIA BULLETIN NO. PA330-8-4

SUBJECT: MGT – 2008 Food Security Act (FSA) Compliance Status Reviews

PURPOSE: To transmit procedures for completion of FY 2008 FSA Compliance Status Reviews.

EXPIRATION DATE: December 1, 2008

Action Required by: Complete Field Reviews by August 15, 2008
Complete Online Data Entry by October 31, 2008

Background: NRCS annually reviews a percentage of tracts operated by producers receiving USDA benefits for the current year. The Food Security Act Compliance Tracts to be reviewed in 2008 have been posted on My.NRCS.

Directions: Supervisory District Conservationists are responsible for completion of Compliance Status Reviews including online data entry for their field team. A listing of tracts to be reviewed and the operators can be found on My.NRCS/Field Tools. Go to the Accountability section and click on FSA Compliance Reviews. To this list NRCS will add the following tracts:

- Tracts owned by USDA (FSA and NRCS) employees. These will be reviewed at least once every three years.
- Tracts referred by other USDA agencies
- Tracts of USDA participants requesting reinstatement (will come via FSA).
- Tracts where a variance or exemption was granted the previous year.
- CRP contracts that are early terminations.
- Tracts for five percent of all FSA Farm Credit Loans. (The program manager will provide these to you so don't request them from your local FSA office.)

Field reviews shall be conducted at a time that is best to evaluate the conservation practices that make up the approved conservation system. For most situations this is after crops have been planted but before they have grown so much as to make tillage and crop residue determinations difficult. NRCS shall notify the program participant in writing when a tract under his or her control has been selected for a compliance review. Notification shall be given at least 15 days before but not more than 30 days from the date of the review. The participant and/or landowner should be invited, but is not required to participate in the compliance review, unless the compliance review is for purposes of reinstatement.



If for a valid reason you need to replace a tract (e.g. the producer didn't receive any payments in the past year), get a valid tract from the county Farm Service Agency office, check the “**Not a Valid Tract**” button on the data entry form and enter the replacement tract number when prompted by the program. The replacement tract does not have to be operated by the same producer as the original tract.

If a non-compliance situation is encountered during the field review, contact the State Appeals Coordinator immediately. NRCS shall provide official notification in writing to all persons having an interest in the tract or farm (operator and owner, if not the same person) within ten calendar days following an NRCS determination that a USDA participant is in **potential** violation of HELC or WC provisions. The letter is called a “preliminary technical determination” and should describe in detail the elements of violation and provide appeal rights. Attached you will find a template letter to modify according to the need. Copies of the notification shall be sent to the Conservation District and the Farm Service Agency County Office. NRCS shall also request form FSA-569 from the FSA County Office within seven (7) calendar days of making a compliance violation determination. If not contested by the producer, the preliminary technical determination becomes final after 30 days. After this time the completed form FSA-569 will be provided to the FSA County Office to inform them of the final technical determination made by NRCS. If the producer is not in agreement with the preliminary technical determination, he/she can request reconsideration with a field visit from the NRCS staff or mediation (mediation may involve a cost to the producer).

For handling reports by the public of possible noncompliance (whistleblowers) contact the program coordinator immediately since NRCS only has 30 days to do the compliance review.

The Compliance Status Reviews manual can be downloaded from the “**Help**” tab on the same Food Security Act Compliance Reviews tool. From here you can also access the National Food Security Manual, section 518.

Contact: If you have any questions regarding this process, please contact Noel Soto, NRCS State Appeals Coordinator, at 717-237-2173 or Noel.Soto@pa.usda.gov.

/s/ Gary P. Smith, Acting

CRAIG R. DERICKSON
State Conservationist

Cc: Abe Repine, Assistant State Conservationist for Field Operations
Thomas W. Matticks, Assistant State Conservationist for Field Operations